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SUBJECT: PARLIAMENT'S REFORM RESOLUTION PRESENTS REBUKE TO
MALIKI GOVERNMENT

Classified By: POL MinCouns Robert Ford for reasons 1.4 (b) and (d).

¶1. (C) Summary and Comment: On November 27 Iraq's parliament passed a non-binding political reform resolution in conjunction with the U.S. - Iraq Status of Forces Agreement (SOFA) and Strategic Framework Agreement (SFA). This resolution was a key element of a political deal to reassure the Sunni Arab political leadership already nervous about the direction of Nouri al-Maliki's security policies. With the agreement to hold a SOFA referendum in mid-2009, this political reform resolution was critical to securing Sunni Arab support in Parliament for the SoFA / SFA texts. The political reform resolution - although much gentler than the frank criticism of Prime Minister Maliki that we have heard in private - provides a list of complaints raised by Sunni Arabs. It hinted at criticism of the government's de-Baath policies but didn't explicitly point to them, as this was too sensitive for the Shia Islamists. The list of criticisms didn't only come from the Sunni Arabs; it also included complaints from the Kurds and even Maliki's Shia political allies in the Shia Islamist Coalition. These criticisms included over-concentration of central government power, the pursuit of sectarian/partisan agendas, detainees, and questions over the absorption of Sons of Iraq into the security services and jobs. The resolution can be seen as a negative assessment of Maliki's performance, and while short of a no-confidence vote, likely foretells of efforts to unseat the PM. End Summary.

¶2. (SBU) On November 27, following extensive haggling between Iraq's political parties and factions, the Council of Representatives passed a reform resolution as part of a legislative package that included the SOFA and SFA. The resolution, while framed as a call to action for the government and parliament, provides a softened-down version of complaints voiced by our interlocutors throughout the SOFA discussions. It implicitly criticized Prime Minister Maliki's style of governing, calling on the government to adhere to the constitution and ensure "balance." (In this context, the balance meant between Kurds, Shia and Sunni Arabs and the parties that represent them.) This language mirrored criticisms that Maliki has used extra constitutional institutions such as tribal support councils and military operational commands to concentrate his power and pursue a sectarian or partisan agenda. Notably, Sunni Arab politico Saleh al-Mutlaq and the Iraqi Islamic Party highlighted repeatedly that Sunnis were not meaningfully included in government.

¶3. (C) The resolution urged the release of detainees under American and Iraqi control, a key issue for Sunni Arabs. During SOFA approval discussions that preceded the parliamentary vote, Sunni Arab leaders complained that the GOI has targeted Sunni Arabs in particular for arrest. The Sunni Arabs all agreed that they did not want the U.S. to release detainees who were members of al-Qaida or Shia Special Groups; they feared being targeted themselves by those two groups. However, they insisted that the large majority of detainees in Bucca and Cropper could be released quickly. They also bitterly criticized the delays in

releasing thousands of Sunni Arab prisoners who should benefit from the Amnesty Law and instead whose cases are snarled in red tape at the Justice Ministry. They also decried the injustices in the judicial system, underlining that thousands of Sunni Arab detainees have been held in miserable conditions for years without trial. (Comment: Vice President Tariq al-Hashimi accented this issue with Codel McCain on December 1, saying he could not let "my Sunni youngsters" be treated so badly by the Iraqi justice system. End Comment.)

14. (C) In addition, Saleh al-Mutlaq and his allies argued strenuously for reconsideration of de-Baathification policies, and in particular reform of the 2008 Accountability and Justice Law. Mutlaq told us in private on November 26 that his constituency includes many ex-army officers and government employees who had lost their jobs as a result of de-Baath policies and the current government's refusal to reinstate them. He insisted that the government try to address this problem. In the end, the final version of the political reform resolution did not explicitly mention that Accountability and Justice Law, although the version at the Presidency Council on November 27 did so. Mutlaq pressed on for additional concessions on the night of November 27. On November 28 Shia Islamist ISCI party negotiator Jalal ad-Din Sagheer told PMIN that the Shia would not accept explicitly mentioning de-Baath - the Shia public would never understand such a concession he claimed. When the Shia Islamist Coalition kicked back hard in the final November 28 discussions, Mutlaq lost the support he had had at the Presidency, according to several top-level officials we spoke with November 28-30. (He and most of his bloc still voted

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for the reform resolution as well as the SoFA and SFA.)

15. (C) The political reform resolution also stressed the need to respect federal, provincial and local institutions, a gesture to those who believe the central government is attempting to consolidate power at the expense of regional and local government institutions. Notably, the resolution also called for the government not to try to use the security forces to resolve internal disputes. Vice President Adel Abdel Mehdi and Deputy Prime Minister Barham Salih each confirmed to us last week that the reference to restricting the use of the security forces was ISCI-Kurdish language directly aimed at Maliki and his actions with the Iraqi Army.

16. (C) The resolution also provided parliament with an opportunity to rebuke Maliki, another theme underpinning the SOFA discussion, as a number of politicians, including independent members of the UIA coalition such as Qassim Daoud, actively advocated Maliki's removal. Parliament Speaker Mashadani, speaking with PMIN privately on December 1, predicted an attempt to organize a vote of no-confidence in the Council of Representatives against Maliki could occur soon. He pointed out that the political reform resolution garnered 142 votes and with the same number of deputies they could remove Maliki. PMIN said such a vote would fall within constitutional procedures. He urged Mashadani to consider how long it would take to stand up a new government, the paralysis that could occur during the negotiations over cabinet slots and to weigh carefully the advantages and disadvantages before taking such a severe decision. (Comment: Mashadani pondered this for a moment and claimed he would prefer reforming Maliki to dumping him. We doubt that is a serious commitment for now. End Comment.)

17. (U) The Political Reform Resolution called for the following:

-- The Government and political parties should adhere to the Constitution and not attempt to impose solutions. Disagreements should be resolved through judicial, legislative and administrative institutions.

-- The Government should cooperate with the United States, work to protect Iraqi assets, establish a partnership among different federal authorities, and restrict the role of U.S. and Iraqi forces to security, counterterrorism, and self-defense (and not intervene in internal disputes).

-- Release all detainees covered by the general Amnesty law.

-- Amend the Iraqi constitution to guarantee stability, preserve unity, sovereignty, and a democratic federal system.

-- Achieve participation and accord in the legislature and executive, abide by legal powers, and not interfere in the affairs of institutions, authorities, and ministries.

-- Respect Federal government power and authority, and provincial and local governments.

-- Work for "balance" in the security, economic, foreign, and service institutions, cancel or rehabilitate unconstitutional institutions and bodies, rebuild the armed forces and security apparatus on professional bases, and free from politics.

-- Investigate human rights issues and illegal detainees, and to release those held by U.S. forces and Iraqi authorities.

-- Resolve issues involving displaced people.

-- The armed forces and government should absorb the Awakening Councils' members, rehabilitate them, and stop targeting people who have not committed crimes.

-- Absorb Armed groups that have laid down arms or are willing to do so, into the political process.

-- Guarantee a free and fair judiciary.

-- Guarantee free and fair elections.

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-- Parliament should amend, replace or cancel objectionable laws in accordance with National Reconciliation.

-- Resolve disagreements over presidential decrees regarding executions.

-- Define the role of the Political Council for National Security.

-- Meet demands of the political blocs regarding appointing

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secretaries and heads of institutions.

-- Establish a chairman to follow up on implementation of this resolution.

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